



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
Olivier De Lacharriere et al.)	Group Art Unit: 1617
Application No.: 09/841,078)	Examiner: GINA C YU
Filed: April 25, 2001)	Confirmation No.: 6852
For: USE OF A HISTAMINE)	
ANTAGONIST, AN INTERLEUKIN-1)	
ANTAGONIST AND/OR A TNF-)	
ALPHA ANTAGONIST IN A)	
COSMETIC, PHARMACEUTICAL)	
OR DERMATOLOGICAL)	
COMPOSITION AND)	
COMPOSITION OBTAINED)	

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Election of Species Requirement mailed February 8, 2005, Applicants hereby elect with traverse, lysophiline as the TNF-alpha antagonist and depigmenting agent as the irritating agent.

In further response to the Election of Species Requirement, Applicants respectfully assert that at least Claims 19, 20, 25-27, 33-35 and 38-48 are generic to any TNF-alpha antagonists, at least Claims 19 and 30 are generic to the plurality of irritating agents, and at least Claim 48 reads on the elected irritating agent.

Applicants traverse the Election of Species Requirement on the grounds that the generic claims are not so broad as to place an undue burden on the Patent Office to search and examine the full scope of the claims. Rather, Applicants respectfully assert that search and examination of the entire application could be

conducted without undue burden on the Examiner, thus avoiding delay and expense to Applicants.

However, Applicants further understand that upon search, examination and allowance of the elected species, search and examination will continue as to the non-elected species within the scope of the generic claims.

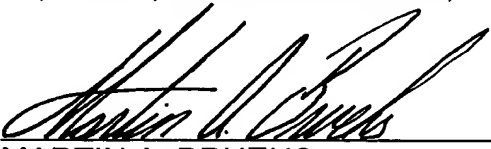
For at least these reasons, and in order to avoid unnecessary delay and expense to Applicants, and duplicative examination by the Patent Office, it is respectfully requested that the Election of Species Requirement be reconsidered and withdrawn.

If there are any questions concerning this Response or the application in general, Applicants invite the Examiner to telephone the undersigned at the Examiner's earliest convenience.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: JULY 8, 2005

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